

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
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)
 Plaintiff,)
)
)
 vs.)
)
)
JAMES C. NELSON,)
)
)
 Defendant.)

CASE NO. 08-CR-30266-MJR

PRELIMINARY ORDER FOR FORFEITURE
PURSUANT TO FED.R.CRIM.P. 32.2 WITH RESPECT
TO CERTAIN PROPERTY OF JAMES C. NELSON

REAGAN, District Judge:

In the Indictment filed in the above cause on December 16, 2008, the United States sought forfeiture of property of Defendant, James C. Nelson, pursuant to **18 U.S.C. § 924(d)** and **28 U.S.C. § 2461(c)**. The Court, based upon the guilty plea entered in this cause, hereby finds that the following property is forfeitable:

A Hi-Point, Model JHP, .45 caliber semiautomatic pistol, bearing serial number X490592, and any and all ammunition therein.

The United States shall, under the authority of **21 U.S.C. § 853(n)(1)** to “publish notice of the order and of its intent to dispose of the property in such matter as the Attorney General may direct,” provide notice of the forfeiture and the right of persons other than the defendant who have any claim or legal interest in any of the property to file a petition with the Court. Said notice shall be provided in a manner consisted with Supplemental Rule G(4)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

The notice shall state that the petition shall be set for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the release.

The United States may, also to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order for Forfeiture, as the substitute for the published notice to those persons so notified.

Upon the filing a petition alleging the third-party interests in the property, the court may amend this order to resolve the claimed third-party interests.

The United States Marshal or the Vault Custodian for the Bureau of Alcohol, Tobacco, Firearms and Explosive shall seize and reduce to his possession, if he has not already done so, the above-described property.

The Court finds that said firearm is forfeitable; however, the United States may, at its discretion, proceed with the destruction of said firearm without completing the forfeiture process against same

This Order, pursuant to **Rule 32.2(b)(3) of the FEDERAL RULES OF CRIMINAL PROCEDURE**, shall become final with respect to Defendant James C. Nelson at the time of the Defendant's sentencing, regardless of whether or not the rights of actual or potential third-party petitioners have been determined by that time. This Order shall be made part of the sentence of Defendant James C. Nelson and shall be included in the Judgment imposed against said Defendant. Although this Order is a final order with respect to said Defendant, this Order may be later amended with respect to petitions filed by third-parties claiming an interest in the subject-matter forfeited property.

The United States may abandon forfeiture of the property by filing notice of same with the Court.

IT IS SO ORDERED.

DATED this 3d day of August 2009.

s/ Michael J. Reagan
Michael J. Reagan
United States District Judge